

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 02/01/2005	NUMBER 06.01.140
SUBJECT PRE-SENTENCE INVESTIGATION AND REPORT		SUPERSEDES 06.01.140 (03/01/01)	
		AUTHORITY MCL 28.721 et seq.; 771.14; 791.203-205; 791.223; 791.229; Administrative Rule 791.9910	
		ACA STANDARDS 3-3211-3-3227; 3-4099; 3-4285; 3-ACRS-1F-02	
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#### **POLICY STATEMENT:**

A pre-sentence investigation (PSI) shall be conducted and a report prepared when ordered by a court to provide the judge and the Department with relevant and accurate information relating to the offender and the offense.

#### **RELATED POLICY:**

01.06.115 Sex Offenders Registration Act

#### **POLICY:**

#### GENERAL INFORMATION

- A. Generally, a PSI shall be conducted and a PSI report prepared after the offender has been found guilty of a felony. The PSI may be conducted and the report prepared prior to adjudication when specifically ordered by the court; e.g., assignment as a youthful trainee under the Holmes Youthful Trainee Act (HYTA).
- B. A PSI shall be conducted and a misdemeanor conviction report prepared for offenders convicted of a misdemeanor when referred by the court. All requirements set forth below for a PSI report shall apply; however, information contained in the report shall be modified as appropriate for a misdemeanor conviction.
- C. The field agent shall investigate the offender's background and character in order to provide all information required to be submitted to the court in a PSI report. A face to face interview with the offender shall be conducted to obtain this information. The spouse, parents, other family members or significant others shall be interviewed, when possible, to verify or dispute information provided by the offender. When possible, the agent also shall verify the offender's criminal history, education history, employment history, substance abuse history, physical and mental health history, and financial situation.
- D. As part of the PSI, the field agent shall verify the offender's Social Security number and enter the verified number in OMNI. Verification shall be through a Social Security card, payroll record, federal or state tax form, or other means identified by the Deputy Director of Field Operations Administration (FOA) or designee. If the offender does not have a Social Security number or the number cannot be verified, that shall be noted in the PSI report along with the action taken to attempt verification; the Social Security number itself shall not be included in the PSI report.

#### PSI REPORT

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- E. The PSI report shall contain information relevant to the offender's background and character, including all of the following information:
1. An objective description of the offense, including the name and age of the victim(s).
  2. The offender's description of the offense and the circumstances surrounding it, as well as any other statement the offender wishes to make.
  3. A description of the offender's adult and juvenile criminal history. For convictions which involve criminal sexual conduct with a victim under 18 years of age, the victim's name, age at the time of the offense, relationship to the defendant, and the circumstances leading to the offense, to the extent known, shall be included.
  4. A written impact statement or summary of an oral impact statement submitted by the victim, if requested to be included by the victim. The agent is not required to transcribe an oral statement. The agent shall ensure that the victim understands that information in the PSI report is disclosed to the offender unless the judge specifically exempts it.
  5. Unless included in the victim's impact statement, the financial, social, psychological or physical harm suffered by any victim of the offense.
  6. A description and status of all criminal charges that are pending against the offender at the time of the PSI.
  7. The offender's education background; employment qualifications, background and status; military record; and social history including family relationships, marital status, financial status, interests, activities, and residence history.
  8. Medical and substance abuse history, including a psychiatric or psychological report when available and appropriate or when requested by the court.
  9. Information on any gang activity, pursuant to PD 04.04.113 "Security Threat Groups".
  10. If the offender is to be sentenced for an offense involving the illegal delivery, possession, or use of alcohol or a controlled substance, a statement that the offender is a licensed or registered health care professional, if applicable.
  11. A statement by the prosecuting attorney on the applicability of any consecutive sentencing provision. It shall be noted if the statement has been requested but not provided by the prosecutor.
  12. Any other information requested by the court, subject to supervisory approval.
- F. The PSI report also shall contain a proposed plan for the offender, which shall include the following:

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1. An evaluation of the offender with respect to his/her strengths, weaknesses, abilities, established behavior patterns and readiness for change.
  2. Information about available treatment centers, residential facilities, vocational training services, special educational facilities, rehabilitative programs of facilities to which the offender may be committed, special programs available through probation and other similar programs relevant to the offender's situation. This includes screening to determine eligibility for programs offered by the Office of Community Corrections (OCC). For offenders either not recommended or not eligible for OCC programs, the agent shall determine eligibility for the Special Alternative Incarceration Program pursuant to PD 05.01.142 "Special Alternative Incarceration Program".
  3. If the offender is being considered for assignment as a youthful trainee under HYTA, information as to whether the offender is eligible for assignment pursuant to MCL 762.11 and, if so, the recommended disposition, consistent with MCL 762.13.
  4. A recommended disposition consistent with the recommended sentencing guideline range for the offense unless a departure is warranted, and OP FOA 06.01.141 "Pre-Sentence Investigation Recommendation Guidelines". If probation is a possible disposition, the proposed terms and conditions of probation, the objectives to be achieved and the proposed supervision program to achieve those objectives shall be included.
  5. The amount of restitution to be paid the victim, if applicable.
- G. The agent shall ensure that statements in the PSI report are clear, concise and accurate. Repetitive information shall be avoided. All sources of information shall be documented in the report. For example, if information is based solely on a statement by the offender it shall be noted in the report as "offender states".
- H. The supervisor may review and, as appropriate, shall modify the PSI report, including the sentencing recommendation, to ensure reports comply with Department policy and procedure.

#### Timeliness

- I. Except if otherwise required by the court, a PSI report shall be completed within three weeks of referral for a confined offender and within four weeks for an offender on bond unless unusual circumstances delay completion, as approved by the supervisor. The PSI report shall be submitted to the court a minimum of two working days prior to the sentencing date unless otherwise required by the court.
- J. Field Operations Administration (FOA) Regional Administrators shall designate adequate staff resources to ensure timely submission of PSI reports. Agents may use nonprofessional staff (e.g., paraprofessionals, volunteers, student interns) to assist in the collection of information. However, in all cases the

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agent assigned to the case shall prepare the PSI report and shall be responsible for the accuracy of all information included.

#### Court Ordered Modifications/Distribution

- K. If the court finds during sentencing that the PSI report contains information which is inaccurate or irrelevant, the inaccurate or irrelevant information shall be completely removed from the report or otherwise rendered unreadable in all copies of the report before further distribution. If the court makes other changes to the PSI report or orders portions not be disclosed, it shall be reflected in all copies of the PSI report before further distribution.
- L. After sentencing, a copy of the PSI report shall be provided as set forth in PD 05.01.142 "Special Alternative Incarceration Program" for offenders sentenced to that Program. For all other offenders committed to the Department, five copies of the PSI report shall be transmitted to the appropriate facility when the offender is transferred. Facility Record Office staff shall forward one copy to the Central Office Record Office. For offenders not committed to the Department, copies shall be provided as set forth in OP 06.01.140 "Pre-Sentence Investigation and Report Preparation".
- M. If, after sentencing, the court issues an order requiring a change to the PSI report or orders portions not be disclosed, the PSI report shall be amended in accordance with the court order. For an offender committed to the Department, five copies of the amended PSI report with the court order shall be forwarded to the record office for the facility where the prisoner is incarcerated with instructions to remove the initial PSI reports from the prisoner's files. Facility record office staff shall forward one copy of the amended PSI report and a copy of the court order to the Central Office Record Office with instructions to remove the original PSI report from the prisoner's file. The facility record office and the Central Office Record Office shall ensure that all files are updated as required. For an offender not committed to the Department, copies shall be distributed as set forth in OP 06.01.140.
- N. After sentencing, the Department shall not make any additions, corrections, or deletions to the report not specifically ordered by the court.

#### MULTIPLE PSI REFERRALS

- O. The agent shall conduct only one PSI on an offender when multiple referrals from the same jurisdiction or county are received prior to submission of the original PSI report to the court. One PSI report shall be prepared and submitted to the court specific to each referral.

#### PSI REPORT UPDATES

- P. If a PSI report had been completed within three years prior to the date of the instant conviction, or the defendant has been continuously incarcerated since the last PSI report was prepared, the agent shall conduct a PSI to obtain any additional relevant information. A new conviction update report shall be prepared and attached to the most recently completed PSI report for submission to the court.
- Q. A PSI shall be conducted when sentencing of an offender has been delayed by court order. A delay of sentence update report shall be prepared and attached to the original PSI report prepared for the conviction for which sentencing was

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delayed. The reports shall be submitted to the court at least 30 calendar days prior to the expiration of the period identified in the court's order.

- R. A special investigation report shall be prepared when the defendant fails to appear for sentencing and the court requests supplemental information. The agent shall report relevant information on a Case Report form (CFJ-104), which shall be attached to the PSI report prepared for the conviction for which the defendant was being sentenced.

#### CONFIDENTIALITY

- S. The PSI report and all information obtained and records made to prepare the PSI report are confidential and, absent a signed release from the offender, shall only be released outside the Department to the court, the offender and his/her attorney, the Department of Attorney General, the Auditor General, law enforcement agencies, and authorized staff at the Michigan Youth Correctional Facility for prisoners housed at that facility.
- T. Agents shall not make a promise of confidentiality to a source of information.
- U. Information that an offender is HIV positive shall not be reported in the PSI report. If an agent learns that the offender is HIV positive, the court shall be provided this information in a separate letter to the court. The source of the information (e.g., offender, family member, victim) shall be identified. An offender's HIV status shall not be disclosed except as directed by the court.

#### SEX OFFENDER REGISTRATION

- V. Agents shall identify and register those offenders required to be registered pursuant to the Sex Offenders Registration Act as set forth in PD 01.06.115 "Sex Offenders Registration Act". Where probation is a sentencing option for the offender, the agent shall make a recommendation in the PSI report that the court impose a special condition requiring compliance with the Sex Offenders Registration Act.

#### REPORTING OF FOREIGN-BORN OFFENDERS

- W. If the offender was born outside of the United States, the agent shall ensure that an Immigration Notification form (CFJ-204) is completed as required and sent to the U.S. Immigration and Naturalization Service. A CFJ-204 shall be completed for all persons convicted of a crime with a maximum penalty of more than one year in prison, but shall not be prepared for offenders referred for investigation under the Holmes Youthful Trainee Act (HYTA).

#### OPERATING PROCEDURES

- X. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

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AUDIT ELEMENTS

- Y. A Primary Audit Elements List has been developed and will be provided to FOA Regional Administrators to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

PLC:OPH:01/05/05

## OPERATING PROCEDURE

SUPERSEDES  
06.01.140 (02/01/00)

AUTHORITY  
PD 06.01.140, PD 01.06.120

SUBJECT PRE-SENTENCE INVESTIGATION AND REPORT  
PREPARATION

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I. OBJECTIVE: To provide instructions for completing the pre-sentence investigation and preparation of the Pre-sentence Investigation (PSI) Report.

II. FORMS USED:

CFJ-101	Basic Information Report
CFJ-104	Case Report
CFJ-123	Parole Guidelines Data Entry
CFJ-129	Client Health Questionnaire
CFJ-145	Pre-sentence Investigation Report
CFJ-204	Immigration Notification
CFJ-209	Basic Information Report Interview Sheet - Offender Information
CFJ-210	Basic Information Report Interview Sheet - Offense Information
CHJ-121	Patient's Authorization for Disclosure of Health Records
CHJ-217	Consent to Routine, Non-surgical Medical Care of a Minor
CSJ-269	Information Release Authorization
DD-4	Sex Offender Registration
SIR88-1	Sentencing Information Report

III. INFORMATION:

A. All PSI reports and forms shall be prepared and submitted to the court and the Michigan Department of Corrections (MDOC) as required by PD 06.01.140 "Pre-sentence Investigation and Report."

IV. PROCEDURE: INVESTIGATION

B. Pre-interview Preparation: A face-to-face interview with the defendant is required by PD 06.01.140 prior to completion of the PSI report. If available, provide the defendant with a PSI questionnaire covering the areas of the PSI interview with instructions to fill out the same before the PSI interview.

C. The agent must obtain and review the information listed below. It is preferred that the information be obtained and reviewed before the interview:

1. Referral information from court which includes, but is not limited to, offender name and address, bond status, conviction offense, sentencing date, defense attorney, judge, and plea agreement.
2. Court Information (listing the offense and offense elements) form.
3. Relevant police report(s).
4. Defendant's Computerized Criminal History (CCH) through LEIN inquiry.

NOTE: A Computerized Criminal History (CCH), warrant and Personal Protection Order (PPO) check through lein inquiry is required in accordance with this procedure. To ensure the CCH, warrant and PPO lein check inquiry captures all available information, the defendant's Michigan State Police SID number and FBI number must both be used. If the FBI number is not known, the lein request must be for a specific inquiry(s) in cases where the defendant is known to have traveled outside Michigan and/or if there is an

indication that the defendant may have committed a crime in a location outside Michigan.

5. Most recent PSI report(s) completed on defendant for any Michigan felony conviction.
6. Secretary of State Driving Record, if the offense is traffic related.
7. District court records for criminal convictions in defendant's county of residence and in the county of sentence, if time permits.

D. In addition, the agent must complete the following tasks. It is preferred that these tasks be completed before conducting the PSI interview:

1. Contact court of jurisdiction to determine case disposition when it is missing or incomplete on defendant's CCH.
2. If defendant is or was under active MDOC supervision, at the time of offense or at time of the PSI investigation, contact the supervising agent or office supervisor of the last FOA office of record, to obtain information and to provide notice of new criminal behavior, to ensure implementation of violation and/or discharge rescission processing. Note: this contact must be completed.
3. Screen the defendant for PA 511 eligibility, according to eligibility standards enacted by the local Community Corrections Advisory Board (CCAB).
4. Screen the defendant to determine if they must be registered under the Sex Offenders Registration Act, MCL 28.721 et seq (see Attachment C).

#### DEFENDANT INTERVIEW

E. The purpose of the defendant interview is to obtain information relating to the defendant and the offense(s) for use in preparing the PSI report. The PSI preparer shall require documentation of the defendant's identity. Such documentation may include a driver's license, birth certificate, school records, Secretary of State identification and/or military documentation. The list below outlines the areas that must be discussed with the defendant or tasks that must be completed during the interview, to capture information required in the PSI report.

1. Pre-sentence Investigation Report (CFJ-145). See Attachment A.
2. Basic Information Report (BIR) (CFJ-101). See Attachment B.
3. Defendant's version of the offense.
4. Criminal Justice. In addition to a review of the defendant's criminal history, the defendant shall be polled to determine if a Personal Protection Order has ever been filed against him/her.
5. Family.
6. Marriage.
7. Employment.
8. Education.
9. Substance abuse and treatment.
10. Health.
11. Finances.
12. Client Health Questionnaire (CFJ-129): If the defendant meets eligibility criteria for SAI as outlined in PD 06.04.105.
13. Sex Offender Registration (DD-4 and DD-4A):
  - a. If the defendant is convicted for offenses described on Attachment C, the agent must register the defendant before the defendant is sentenced, assigned to youthful trainee status, or placed on delayed sentencing for that offense. In all



cases where probation is possible, the agent shall recommend a special condition to comply with the Sex Offenders Registration Act.

- b. The agent must also register the defendant if it is learned during the pre-sentence investigation that the defendant has been convicted on or after October 1, 1995, or on or after September 1, 1999, as applicable, or was serving a sentence on October 1, 1995 or September 1, 1999, as applicable, for a listed offense in Michigan or for a substantially similar offense under a law of the United States or another state or country. Registration must be completed as soon as possible, unless the defendant is already registered in Michigan for the offense.
  - c. The agent must also register the defendant if it is learned during the pre-sentence investigation that the defendant is required to be registered in another state or is otherwise identified in another state as a sex or child offender or predator. Registration must be completed as soon as possible, unless the defendant is already registered in Michigan.
  - d. To register a defendant, the agent must complete and sign the Michigan Sex Offenders Registration form (DD-4), obtain the defendant's signature on the form or note that the defendant refused to sign, give a copy to the defendant, and immediately forward to an MDOC location or other agency (by local agreement) for entry on the Michigan State Police (MSP) database. The agent must also review with the defendant the Explanation of Duties to Register as a Sex Offender form (DD-4A) and answer any questions regarding the defendant's responsibilities. The agent must sign the form, obtain the defendant's signature or note that the defendant refused to sign, give a copy to the defendant, and forward the original to the MSP address on the form. Copies of both forms are to be maintained with the field file material.
14. Release of Information Authorizations: Request that the defendant sign an Information Release Authorization (CSJ-269) for access to educational and employment records, a Patient's Authorization for Disclosure of Health Records (CHJ-121) for access to medical, mental health, or substance abuse treatment records, or other release forms as needed. These forms must be completed by the parent or legal guardian if the defendant is a juvenile.
15. Immigration Notification (CFJ-204): If the defendant reports birth outside the United States and is convicted of an offense carrying a maximum penalty of more than one year, review the CFJ-204 with the defendant and mark the appropriate boxes.

#### POST INTERVIEW INVESTIGATION CONTACTS

- F. In order to confirm or dispute information provided by the defendant during the interview and to obtain additional data about the defendant, collateral contacts shall be made as part of the pre-sentence investigation process. Efforts to make the following contacts are required. Completion of each contact is subject to time constraints and the availability of contacts, unless otherwise indicated.
1. Residence Verification: For offenses in which probation is possible, a home visit to the defendant's proposed supervision residence is required. This visit may occur at the time of the defendant interview or subsequent family contact.
  2. Family Contact: All relevant information obtained from the defendant shall be discussed during an interview with a spouse, parents, other family members, and/or significant others. Agents shall choose the most appropriate person or persons who can confirm defendant interview information, including defendant's identity. In most cases, agents

should interview the person(s) with whom the defendant resides. Length of marriage and age of defendant will affect whether a parental interview is necessary to confirm interview data.

- a. The preferred method for conducting family contact interviews is a home visit. Interviews may be conducted, where necessary, in the office or by telephone.
  - b. If the agent is considering a recommendation to SAI and the defendant is eligible, and under the age of 18, obtain parental or guardian signature on the Consent to Routine, Non-surgical Medical Care of a Minor form (CHJ-217) required in PD 06.04.105.
3. Criminal Justice Contact: provide notice, and confirm/clarify criminal justice information with the appropriate agency/mdoc staff/office.
- a. Contact the appropriate law enforcement representative(s) if there are questions concerning the arrest or offense.
  - b. Obtain and review juvenile and/or probate court records for criminal adjudications in the defendant's county of residence as a juvenile.
  - c. If defendant is or was under active MDOC at the time of offense or at time of the PSI investigation, and contact was not completed as outlined in D.2. of this procedure, contact supervising agent or office supervisor of the last FOA office of record. Obtain and confirm supervision information and provide notice of new criminal behavior. NOTE: This contact must be completed.
  - d. If the defendant is under local or federal community supervision, contact the supervising agent to obtain information and to provide notice of new criminal behavior.
  - e. If the defendant is a Michigan prisoner, contact prisoner's institutional Case Manager, Assistant Resident Unit Supervisor, or Resident Unit Manager.
4. Employment Contact: Confirm/correct employment information obtained from the defendant or the defendant's family with the current employer. It may be necessary to contact previous employers in order to obtain a complete assessment of the defendant's work habits.
5. Educational Contact:
- a. High School: For defendants 19 years of age or younger, contact the last school of attendance.
  - b. College/Advanced Degrees: Review documents provided by the defendant or contact the issuing institution.
  - c. Vocational/Other Training: Review documents provided by the defendant or contact the issuing institution.
6. Substance Abuse Contact: Contact current and/or recent treatment providers reported by the defendant.
- a. If required locally, contact post-conviction drug testing agency.
  - b. If the conviction is for a drug offense, contact the local drug enforcement unit in the defendant's county of residence.

7. Mental Health Contact: Contact current and/or recent treatment providers as reported by the defendant.
8. Prosecutor Contact: Contact the Prosecuting Attorney regarding the applicability of any consecutive sentencing as required by MCL 771.14(2)(3).
9. Victim Contact: Contact the victim(s) regarding a written or oral statement for the PSI report. Advise the victim(s) that information in the PSI report is disclosed to the defendant unless specifically exempted by the judge. Victim(s) should be prompted to include the following elements in their statements:
  - a. The nature and extent of any physical, psychological or emotional harm suffered;
  - b. the nature and extent of any economic loss or property damage;
  - c. the amount of restitution claimed; and,
  - d. a recommendation for sentence.
10. Make efforts to verify the victim's claims for restitution by reviewing receipts or contacting the insurance company. In instances where the victim is a minor, contact should be made with the victim's legal guardian or custodial parent.

#### PRE-SENTENCE REPORT PREPARATION:

- G. Guideline Preparation and Screening: The guidelines listed below must be completed subsequent to the investigation and prior to drafting the PSI report.
1. Sentencing Information Report Preparation: Where requested by the court, the agent shall prepare the Sentencing Information Report (SIR88-1), if applicable, and scoring shall be done in accordance with instruction provided by the State Court Administrative Office.
  2. Special Alternative Incarceration (SAI) Screening: Screen the defendant for potential probation SAI eligibility, using PD 06.04.105 "Special Alternative Incarceration - Probationer," and potential prisoner SAI eligibility, using PD 06.04.106 "Special Alternative Incarceration - Prisoner." Screening is not required if the defendant has a prior prison commitment, is not eligible based on completion of the client health questionnaire (CFJ-129) or has an SIR minimum score of less than 12 months.
  3. Parole Guidelines: In cases where the recommendation is for prison, the field agent shall complete Parole Guidelines Data Entry (CFJ-123) in accordance with PD 06.05.100 "Parole Guidelines" and OP 06.05.100 "Completion of the Parole Guidelines Data Entry Form."

#### REPORT FORMAT TYPES

- H. Depending on the defendant's circumstance, one of four report formats will be used as set forth in PD 06.01.140. In all report formats, the source of all information must be cited.
1. Pre-sentence Investigation Report: The following format and forms shall be used in preparing the PSI report:
    - a. Pre-sentence Investigation Report Form (CFJ-145): Refer to Attachment A for instructions on how to fill in data fields. The recommendation section of the

form shall contain a specific recommendation to reflect the Department's goal of supervising offenders in the least restrictive manner consistent with public safety. Agents shall follow OP 06.01.141 "Pre-sentence Investigation Report Recommendation Guidelines."

b. Evaluation and Plan: In all cases, conclusions in the evaluation must logically support the recommendation(s) stated on the CFJ-145.

- 1) Provide an analysis of the defendant's strengths and weaknesses as they pertain to his/her family and marriage, criminal history, employment, education, substance abuse, mental and physical health, and interaction with others in the community. Report method(s) by which defendant's identity has been provided/verified. The analysis must be based on factual material obtained in the investigation.
- 2) In a separate paragraph, the agent shall report total restitution claimed, and indicate whether or not the claim could be verified. Provide an analysis of the defendant's ability to pay.
- 3) If probation is recommended, the agent shall briefly describe why community sanctions are appropriate. Provide a description of initial supervision plans for employment, residence, education, treatment or other alternative programs. Report whether there are family members or others who may be willing and able to assist the defendant.
- 4) If prison is recommended, other than for offenses in which prison is mandated, the agent shall briefly describe why community sanctions are not appropriate. Whenever a prison term is recommended for a defendant who meets the preliminary eligibility screening for placement in the Department's SAI for prisoners, the following language shall be included:

"Based on a preliminary screening, the defendant may qualify for the prison Special Alternative Incarceration Program. It is recommended that the court indicate at the time of sentencing that it does not object to placement in the program."

c. Agent's Description of the Offense: In brief, clear statements, describe the facts of the offense and include date, time, place, method of commission of the offense, and participation of others. Identify the victim(s), including age, injuries received, and relationship to the defendant. This information may be summarized for offenses involving a large number of victims.

- 1) If the arrest was other than routine, a brief description should be offered. If the instant offense is one of a series or the defendant admits being involved in other criminal offenses, these should be briefly described. If the offense or series of offense(s) are drug related, state specific drugs and amounts involved.
- 2) If police reports indicate instant conviction was gang-related, indicate by briefly explaining the gang's role in the offense.
- 3) In a separate paragraph, report the names, DOB and current legal status of adult co-defendants and juvenile co-defendants waived to the adult system.

- d. Consecutive Sentencing: Report the prosecutor's findings regarding consecutive sentencing for the instant offense. If no statement was provided by the prosecutor, that fact must be reported.
- e. Victim's Impact Statement: If the prosecuting attorney indicated there is no victim for the instant offense, report the same. If the victim cannot be contacted or does not make a written or oral statement, that shall be stated in the report. If the victim submitted a written statement, attach it to the PSI report or type it verbatim in this section. Oral statements provided by the victim shall be paraphrased and included.
- f. Defendant's Version of the Offense: If the offender chose not to discuss the offense, report that fact to the court. If the defendant concurs with the facts of the offense as reported, make a statement to that effect in the report. The defendant may provide his/her version of the offense orally or in writing. If the defendant provides an oral account, paraphrase or quote him/her directly in the report. In all cases, include a statement regarding the defendant's analysis of how s/he became involved in the crime or crimes.
- g. Criminal Justice: All four subsections listed below must be included in the report. If there is no criminal information to report, indicate "none" in each subsection. Report juvenile, adult criminal history and Personal Protection Order information in a "rap sheet" format, from oldest to most current, including the instant offense(s). Arrests resulting in dismissal/unofficial adjudication or where disposition is unavailable may be included. Entries for each offense shall include the headers and data as formatted in the example below:  
NOTE: status on date of offense is required only for the instant offense(s). List all that apply; none, on bond, jail, juvenile court supervision, HYTA, delayed sentence, probation, district court probation, federal probation, parole, federal parole, state prison.

Offense Date: 01/18/99  
 Status on Date of Offense: Parole, Federal Probation  
 Arrest Date: 02/12/99  
 Arresting Agency: Belding PD  
 Charge(s) at Arrest: 1. Breaking and Entering; 2. Larceny O/100; 3. MDOP O/100; 4. CCW; 5. Fleeing and Eluding; 6. Resisting Arrest  
 Court of Jurisdiction: Ionia Circuit Court  
 Final Charge(s): 1. Breaking and Entering; 2. Larceny O/100  
 Conviction Date/Method: 01/30/2000 - Plea  
 Sentence/Disposition: 3 years probation, 6 months jail, \$200 fines, \$750 costs, \$1,450 restitution  
 Sentence Date: 2/28/2000  
 Attorney Present: Yes  
 Discharge Date: None

- 1) Juvenile History: List all felony, misdemeanor and OUIL arrests, except traffic cases. If the defendant was institutionalized as a juvenile, include a statement on his/her adjustment and/or escape or walkaway history, if available.
- 2) Adult History: List all felony, misdemeanor OUIL arrests. Include the traffic record only if the instant offense is traffic related.

- a) A short narrative shall be included below arrest/charge/disposition information to summarize probation or parole adjustment or to provide other significant information about the arrest, charge or disposition. Clearly indicate whether the defendant was under MDOC parole or probation supervision at the time of the offense. Briefly summarize community adjustment and any pending violations.
- b) For convictions which involve CSC with a victim under 18 years of age, include the victim name, age at time of offense, relationship to the defendant and the circumstances leading to the offense, to the extent known.
- c) If the defendant is a Michigan prisoner, summarize prison or CRP adjustment, and include parole eligibility dates.

3. Personal Protection Order(s):

List all personal protection orders filed against the defendant. Also include any PPO's filed by the defendant against another individual. Entries for each PPO shall include the headers and data as formatted in the example below:

Effective Date: 03/10/03  
Issuing Location: Montgomery, Alabama  
Protected Person(s): Jane E. Doe  
Expiration Date: 03/10/04

4. Gang Involvement: If during the PSI interview the defendant admitted involvement in a gang, report the name of the gang, the location of the gang, the defendant's role, rank or status within the gang, the defendant's related gang nicknames, if any, and the location and description of any gang related tattoos.

- h. Family: List immediate family members, parents, step-parents, siblings, step-siblings and any other relatives who were important in the defendant's development. Format and include information in the list as follows:

- 1) Relationship: Name (last name, first name, middle initial), DOB, Address (street, city, state, zip), Phone Number (area code, number), Occupation.
- 2) Summarize the defendant's early life up to the point they left the parental residence or foster home. Include the general pattern of living of the family and any indications of criminal convictions by its members. Include a general description of the family's economic situation as the defendant grew and indicate the source(s) of the family's income.
- 3) Describe if abuse (substance, mental and/or physical) was present during the defendant's formative years, including the defendant's role as a victim or perpetrator. Report if any family members suffered from serious mental illness.
- 4) Indicate the defendant's attitude towards his/her early life at home.
- 5) If the defendant has lived away from the parental home as a single person, provide a brief description of the defendant's lifestyle since

leaving home.

- i. Marriage: List the defendant's spouse, children, former spouses and significant others. Format and include information in the list as follows:

- 1) Relationship: Name (last name, first name, middle initial), DOB, Address (street, city, state, zip), Phone Number (area code, number), Occupation.
- 2) Summarize the defendant's marriage(s) including date of marriage(s) and divorce(s). Also include significant relationships resulting in live-in arrangements and/or mutual children. Include a description of the family's economic situation. Note if abuse (substance, mental and/or physical) is/was present, including the defendant's role as a victim or perpetrator. Describe the extent to which the defendant has assumed marital and parental responsibilities. Indicate whether the defendant has custody of children and any court ordered support payments s/he is required to make.

- j. Employment: List the defendant's employment history, starting with the most current. Format and include information in the list as follows:

- 1) Dates of Employment: Job Title, Place of Employment, Rate of Pay, Reason for Termination.
- 2) Describe the defendant's marketable job skills and the defendant's attitude toward work. Assess whether the defendant is generally self-supporting and indicate any employment aspirations or plans the defendant might have.
- 3) Describe employer evaluations of the defendant, including whether or not they would rehire the defendant or plan to continue their employment. If the defendant is employed, note usual working schedule.
- 4) If the defendant is a health care worker licensed by or registered with the State of Michigan, report to the court whether the instant conviction(s) must be reported to the Department of Consumer and Industry, Health Services Licensing Division as outlined in MCL 771.14 (see Attachment D).

- k. Education: Present educational information within the applicable subsection(s) listed below:

- 1) High School: Provide dates of attendance and grade level completed. For defendants 19 or younger also summarize the transcript information, attendance record, disciplinary record, and record of extra-curricular activities. Report if the defendant is currently enrolled and any educational plans s/he might have.
- 2) College/Advanced Degrees: Report current and previous enrollment, including dates of attendance, areas of study and degrees received. Include a brief statement of the defendant's educational plans.
- 3) Vocational/Other Training: Report current and previous enrollment, including agency attended, dates of attendance, areas of study and certifications received. GED completion should be included in this

section. Include a brief statement of the defendant's vocational training plans.

- I. Substance Abuse and Treatment: Summarize the defendant's history of drug and alcohol use. If abuse is apparent, identify the substance of abuse and for each substance used, report at what age the defendant began using and provide a description of the duration and frequency of use. Indicate whether it appears the abuse has created or contributed to problems in the defendant's relationships with others, employment, finances, health or psychological well being. Present the defendant's attitude toward their use of drugs and alcohol and whether or not they view their use of substances as problematic. Indicate whether the defendant perceives a need for substance abuse treatment.
  - 1) Summarize the defendant's treatment history. Include dates of treatment, program name, type of treatment received, and whether or not the defendant successfully completed treatment. Provide a summary of or attach any professional assessments or opinions.
  - 2) Indicate whether the defendant was under the influence of drugs or alcohol when committing the instant offense. If the investigation included substantial evidence that the defendant was involved in drug trafficking, this information should be included in this section as a separate paragraph.
  - 3) If the defendant was involved in pre-sentence substance abuse testing, report the results of testing in a separate paragraph.
- m. Health: Both subsections listed below must be included in the report. If there is no information to report, indicate affirmatively that the defendant is in good physical and/or mental health.
  - 1) Physical Health: Describe any acute or chronic physical conditions and treatment including the need for ongoing medication.
    - a) If the field agent learns the offender is HIV positive, this information shall be reported to the court under separate cover and marked confidential. The source of the information shall also be noted in the report.
  - 2) Mental Health: Describe any acute or chronic mental health conditions. Summarize the defendant's history of treatment, including dates, treating agency, diagnosis, program attendance, type of discharge and prognosis at treatment discharge. Report any previous or current use of psychotropic medication. Attach or summarize any pertinent psychological or psychiatric evaluations or opinions.
    - a) If the treatment provider indicates information released for use in the PSI report would be disruptive to the defendant's program of rehabilitation if reviewed by the defendant, it should be forwarded to the court under separate cover and marked as confidential.
- n. Finances: All three subsections listed below must be included in the report. If there is no information to report, indicate "none" in each subsection.
  - 1) Income: Report the defendant's monthly income and identify its source.
  - 2) Assets: List the defendant's assets by type if they total \$1,500 or more



and indicate the estimated value of each.

- 3) Liabilities: List outstanding debt for each creditor and report monthly payment obligations. Include court ordered payments.
- o. Basic Information Report (BIR) (CFJ-101): Complete all fields on this form as outlined in Attachment B.
2. New Conviction Update Report: A New Conviction Update Report shall be prepared for defendants for whom a PSI report has been completed within the last three years of the date of the instant conviction. A New Conviction Update Report shall also be prepared for defendants who have continuously been imprisoned since the last PSI report was completed, regardless of date of last PSI report. The New Conviction Update Report shall be attached as a cover to the most current PSI report. No more than one New Conviction Update Report can be attached to a PSI report. If a second or subsequent New Conviction Update Report is needed, it must contain information reported in previous New Conviction Update Reports.
  - a. The sections and forms listed below shall be used. Information to be included in each section is described above in the PSI report section.
    - 1) Pre-sentence Report Form (CFJ-145).
    - 2) Evaluation and Plan.
    - 3) Agent's Description of the Offense.
    - 4) Consecutive Sentencing.
    - 5) Victim's Impact Statement.
    - 6) Defendant's Version of the Offense.
    - 7) Criminal Justice.
    - 8) Basic Information Report (BIR) (CFJ-101).
  - b. The following sections must be updated if there is additional, relevant information.
    - 1) Family.
    - 2) Marriage.
    - 3) Employment.
    - 4) Education.
    - 5) Substance Abuse and Treatment.
    - 6) Health.
    - 7) Finances.
3. Delay of Sentence Update: The sections and forms listed below shall be used in preparing a Delay of Sentence Update Report. It shall be attached as a cover to the original PSI report for which the delay of sentence was ordered. Information to be included in each section is described above in the PSI report section.
  - a. Pre-sentence Investigation Report Form (CFJ-145).
  - b. Evaluation and Plan.
  - c. Basic Information Report (BIR) (CFJ-101).
  - d. The sections listed below shall be updated if significant additional information is reported:
    - 1) Criminal Justice.
    - 2) Family.
    - 3) Marriage.
    - 4) Employment.
    - 5) Education.

- 6) Substance Abuse and Treatment.
- 7) Health.
- 8) Finances.

4. Misdemeanor Conviction Report: A Misdemeanor Conviction Report shall be prepared for defendants convicted of a misdemeanor (maximum of one year or less) in circuit court and referred for preparation of a sentencing report. The sections and forms listed below shall be used.

- a. Pre-sentence Investigation Report Form (CFJ-145). (Exclude Recommendation Guidelines)
- b. Evaluation and Plan. (Information should be modified as appropriate for a misdemeanor conviction.)
- c. Agent's Description of the Offense.
- d. Victim's Impact Statement.
- e. Defendant's Version of the Offense.
- f. Criminal Justice.
- g. Basic Information Report (BIR) (CFJ-101).

#### REPORT DISTRIBUTION

I. Pre-sentence Investigation Report (All Formats): The PSI report shall be prepared as an original and two copies. The original shall be forwarded to the court. One copy shall be made available for defense counsel review as local practice dictates and one copy shall be retained in the probation office file. An additional copy may be made available to the prosecutor if it is local practice to do so. If a Sentencing Information Report was prepared, it shall be forwarded and/or distributed as directed by the court.

- 1. For prison commitments, five additional copies shall be provided to the sheriff for delivery with the prisoner to the appropriate MDOC reception facility. Three copies of the Parole Guideline Data Entry Form (CFJ-123) shall be forwarded with the PSI report required by PD 06.01.140.
- 2. After sentencing, a copy of the PSI report shall be provided as set forth in PD 06.04.105, for offenders sentenced to SAI.

J. Immigration Notification: As required by PD 06.01.140, the Immigration Notification (CFJ-204) and a copy of the Basic Information Report (BIR) (CFJ-101) shall be forwarded to the United States Immigration and Naturalization Service within 30 days of sentencing (see Attachment E).

#### ATTACHMENTS

- A. Pre-sentence Report Form (CFJ-145) Instructions.
- B. Basic Information Report (BIR) Preparation (CFJ-101).
- C. Offenses Covered by the Sex Offenders Registration Act - MCL 28.721 et seq.
- D. Registered or Licensed Health Care Professionals List.
- E. Immigration and Naturalization Reporting.
- F. Proposal B Crimes

APPROVED:

  
Dennis Schrantz, Chief Deputy Director, FOA

7-3-03

Date

Prepared by Field Operations Administration